

REMARKS/ARGUMENTS

Claim remarks with regards to Objections, 35 U.S.C. §112

The Examiner has rejected claim 150 under 35 U.S.C. §112, 2nd paragraph as being indefinite. Applicant has amended claim 150 to include limitations found in the specification as filed (see at least paragraph [0035] – [00037]) there is hence no new matter.

The Examiner has rejected claims 138-150 under 35 U.S.C. §112, 1st paragraph as failing to comply with the written description requirement and enablement requirements. Independent claim 138 has been amended. One of skill in the relevant art would find the disclosure enabling for “a method of treating a condition or disorder associated with the activity of NK-1 receptor”. Since claims 139-150 include the limitations of independent claim 1, these claims hence are also respectfully described in the specification. As such, the invention is useful for modulating the effects of the NK-1 receptor biosynthetic pathway, modulating pathways in any organism that possesses NK-1 receptors, and the condition or disorder associated with the activity of such pathways.

Limiting the claims to treatment of chronic pain and inflammation by inhibiting production of NK-1 receptors with an antisense oligonucleotide as per the Examiner’s suggestion is respectfully unduly restrictive. Applicant maintains that antisense oligonucleotides to NK-1 receptors may be used to treat acute pain or inflammation, regardless of the magnitude of the effects as may be taught by the Hua et al. reference.

CONCLUSION

For at least the reasons stated herein, Applicant respectfully submits that the claims are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby

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requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.

Respectfully submitted,

/DN58017/

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